

REMARKS

Claims 8-10, 15, 17-19, 25, 27 and 32 are all the claims pending in the present application, as claims 1-7, 11-14, 16, 20-24 and 28-31 are hereby canceled without prejudice or disclaimer.

Claim 15 and 17-19, 25 and 27 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tullis (U.S. Pat. No. 6,535,243) in view of Tabata (U.S. Pat. No. 6,198,542). Applicant respectfully traverses this rejection.

Independent claim 8 now recites, in part:

a receiving/supplying unit which receives photographed image data and additional information from a camera having an image sensor and capable of obtaining the photographed image data;

...

wherein said additional information is at least one of an adjustment parameter of deterioration of marginal lumination of said camera, an adjustment parameter of poor focus of said camera, an adjustment parameter of gradation control of density or color or color of an image, an adjustment parameter of sharpness enhancement processing or smoothing processing of the image, an adjustment parameter of geometrical adjustment of the image and information relating to designation of an applicable area of these image processing, said additional information is set in said camera by a user.

Thus, independent claim 8 requires, *inter alia*, a receiving/supplying unit which receives photographed image data and additional information from a camera wherein the additional information is at least one of an adjustment parameter of deterioration of marginal lumination of

said camera, an adjustment parameter of poor focus of said camera, an adjustment parameter of gradation control of density or color or color of an image, an adjustment parameter of sharpness enhancement processing or smoothing processing of the image, an adjustment parameter of geometrical adjustment of the image and information relating to designation of an applicable area of these image processing, said additional information is set in the camera by a user.

The Examiner cites column 2, line 58 to column 3, line 11 and column 6, lines 26 to 33 of Tullis as disclosing the features of former claim 12, i.e.:

wherein said additional information is at least one of information relating to deterioration of marginal lumination of said camera, information relating to poor focus of said camera, information relating to gradation control of density or color or color of an image, information relating to sharpness enhancement processing or smoothing processing of the image, information relating to geometrical adjustment of the image and information relating to designation of an applicable area of these image processing, said additional information is set in said camera by a user.¹

However, Applicant submits that the cited portion of Tullis merely discloses that the camera 40 in Tullis has a control interface 64, which allows an operator to control the interface functions of the camera. That is, the control interface 64 is only used for controlling interface functions such as an on/off switch, an image capture switch, a battery status readout, controllers for lens focus, etc. Tullis also states that the control interface 64 may also include “selections for requesting desired image enhancements from the host computer.” In other words, selections for

¹ See Office Action, pages 9 and 10.

requesting image enhancements from the host computer may be included in the functioning of the control interface 64, but Tullis is completely silent on the control interface performing any sort of image adjustments which are set in the camera by a user.

By contrast, independent claim 8, as noted above, now requires that the additional information is an adjustment parameter, where the adjustment parameter is at least one of an adjustment parameter of deterioration of marginal lumination of said camera, an adjustment parameter of poor focus of said camera, an adjustment parameter of gradation control of density or color or color of an image, an adjustment parameter of sharpness enhancement processing or smoothing processing of the image, an adjustment parameter of geometrical adjustment of the image and information relating to designation of an applicable area of these image processing, where the additional information is set in said camera by a user. Applicant submits that Tullis fails to teach or suggest additional information related to an adjustment parameter which is set in the camera by a user. Moreover, Tullis does not teach or suggest that an adjustment parameter is set in a camera by a user and the set adjustment parameter is sent to the information processing unit together with the image as one set. As pointed out above, Tullis merely discloses requesting image enhancements from the host computer

Furthermore, with regard to the Tabata reference, the Examiner admits that Tullis fails to teach or suggest wherein an order of priority is preliminarily set among the plural types of the external apparatuses, and wherein image processing is performed according to the priority of the plural types of external apparatuses, as independent claim 8 sets forth. Nevertheless, the Examiner contends that Tabata supplies these features missing from Tullis. Applicant disagrees with the Examiner's position.

Instead, Applicant submits that no priority is set among external printing apparatuses in Tabata. On the contrary, the “priority” set in Tabata only pertains to setting a priority among different desired printing conditions.³ That is, in Tabata, an operator inputs desired printing conditions (i.e., functions such as two-sided copying, sorting, stapling, etc.) with an order of priority, and the system retrieves the apparatuses corresponding to the conditions, i.e., the apparatuses having the functions, among a plurality of image recording apparatuses connected to a network to display the result of the retrieval.³ The operator finally selects the apparatus which should be actually used among then retrieved apparatuses.⁴ In other words, in Tabata, the system does not set any priority among different external apparatuses, but only among desired printing conditions, from which a single image forming apparatus is selected.⁵

Further, Applicant submits that setting a priority based on a “printing condition,” as taught by Tabata, either alone, or combined with the disclosure of Tullis, does not inherently disclose the claimed feature of setting a priority among plural external apparatuses. For example, under Tabata, setting a “priority” among different desired printing conditions would not set a priority related to the availability of a device, or the desired ordering of output to different types of external apparatuses. Instead, the “priority” set in Tabata merely refers to setting the order of desired processes such as stapling, sorting, copying, etc., to be performed on

³ See Tabata, FIG. 8 and col. 9, lines 35-51.

³ See Tabata, FIGS. 8-10 and col. 9, lines 26-49.

⁴ See Tabata, col. 9, lines 43-51, col. 8, lines 37-39 and col. 10, lines 35-41.

⁵ Id.

one output device,⁶ not as independent claim 8 requires, i.e., preliminarily setting a priority among plural types of external apparatuses.

Moreover, the order of priority of the printing conditions in Tabata is merely used as a retrieval key of the apparatus, and the operator designates, among the apparatuses listed as the retrieved result, the performing apparatus which is convenient. Accordingly, the order of priority of the printing conditions is Tabata does not disclose the order of priority among the external apparatuses recited in the claims of the present application.

Therefore, Applicant submits that Tabata fails to teach or suggest the claimed feature of “wherein an order of priority is preliminarily set among the plural types of the external apparatuses,” for at least these reasons.

Thus, neither reference, either alone or in combination, disclose all of the above-noted features of the claimed invention. Accordingly, Applicant submits that independent claim 8 is patentable over the applied references for at least this reason. Since independent claim 15 recites features similar to the above-noted features of independent claim 8, Applicant submits that independent claim 15 is also patentable over the applied references for reasons analogous to those stated above regarding independent claim 8. Further, Applicant submits that dependent claims 17-19, 25 and 27 are also patentable over the applied references, at least by virtue of their respective dependency on independent claims 8 and 15.

The Examiner further states that it would be obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Tullis in view of Tabata in order to allow the

⁶ See Tabata, FIG. 8, and col. 9, lines 49-51.

camera to send image data to external apparatuses for different image data processing in any desired order. Applicant disagrees with the Examiner's position.

Even assuming, *arguendo*, that the prior art of record disclosed all of the claimed features, Applicant submits that one of ordinary skill in the art at the time the invention was made would not have been motivated to modify Tullis in view of Tabata as the Examiner suggests.

As pointed out above, Tabata merely discloses a system and method wherein a user sets priorities of desired printing conditions, then the system selects the single-most convenient apparatus for the printing conditions selected.

Tullis, on the other hand, discloses a system having a digital camera and only a single host computer,⁷ where the computer performs all of the image processing.⁸ Thus, in Tullis, the image data is transmitted from the camera to the host computer,⁹ and the host computer performs any one of several different image processing tasks.¹⁰

Therefore, Applicant submits that there would be no reason to combine the references, since (1) Tullis only uses a single host computer which performs all of the image processing, and (2) the system of Tabata selects the single-most convenient apparatus from a plurality of image forming apparatuses, based on the printing conditions selected. That is, Tullis applies only to

⁷ See Tullis, col. 2, lines 40-44.

⁸ See Tullis, col. 2, lines 58-62.

⁹ See Tullis, col. 2, lines 45-48.

¹⁰ See Tullis, col. 2, lines 62-65.

single image processing devices, whereas Tabata applies to a plurality of image forming apparatuses. As such, Applicant submits that the references would teach away from each other, and further, any combination of the two would destroy the principle of operation of each.¹¹

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

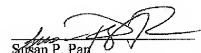
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Susan P. Pau
Registration No. 41,239

Date: January 22, 2007

¹¹ See M.P.E.P. § 2143.02 (VI).